



## Periodic Review / Retain Regulation Agency Background Document

<b>Agency name</b>	Department of Health
<b>Virginia Administrative Code (VAC) citation</b>	12 VAC 5-630
<b>Regulation title</b>	Private Well Regulations
<b>Document preparation date</b>	January 17, 2008

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.*

1. Statutory authority for the regulation is found in §§ 32.1-12 and 32.1-164 of the Code of Virginia. The web site URLs citing this authority are < <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-12> > and < <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-176.1> >

2. The Board of Health has mandatory authority to protect public health and the environment.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

No viable alternatives have been considered. The regulation has worked well for over 17 years in the permitting of private water wells. Without regulation, the safe location and construction of water wells cannot be assured. Health Department oversight of water wells enhances the construction of properly

constructed water wells and helps ensure the availability of potable water by protecting groundwater resources.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

Commenter	Comment	Agency response

There were no comments received, no requests for revision, and no informal advisory group formed.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

The regulation ensures that all private wells are located, constructed and maintained in a manner which does not adversely affect groundwater resources, or the public welfare, safety and health.

**Result**

*Please state that the agency is recommending that the regulation should stay in effect without change.*

The Department of Health is recommending that the regulation stay in effect without change.

**Family impact**

*Please provide an analysis of the regulation’s impact on the institution of the family and family stability.*

The regulation raises awareness of the importance of potable drinking water to human health and enhances the protection of groundwater resources through the proper location and construction of private water wells.